

REMARKS

Claims 1-12, 14-17 and 19-27 have been cancelled and claims 13, 18, 28, 30 and 32-34 have been amended. Thus, claims 13, 18 and 28-34 are currently pending. No new matter has been introduced.

This Second Supplemental Amendment in Response to Final Office Action Under 37 CFR § 1.312 is filed in connection with the Amendment and Response filed on August 29, 2007 and the Advisory Action mailed September 25, 2007. This Second Supplemental Amendment and Response includes all the amendments and arguments made in the August 29, 2007 Amendment and the September 14, 2007 Supplemental Amendment. This Second Supplemental Amendment and Response includes all the amendments and arguments made in the August 29, 2007 Amendment, and also includes the following made in the Supplemental Amendment and Response filed September 14, 2007: amendment of paragraph [29a], further amendment of claim 34, arguments regarding the objection to the specification and arguments relating to the rejection of claim 16 and 34 under 35 USC 112, first paragraph.

Please replace the Amendment and Response filed on August 29, 2007 and the Supplemental Amendment and Response filed September 25, 2007, with this Second Supplemental Amendment in Response to Final Office Action Under 37 CFR § 1.312 and the Advisory Action mailed September 25, 2007.

I. Summary of Examiner Interview

On August 22, 2007, the undersigned and the Examiner discussed the Application and the Schneider reference (U.S. 5,204,147). The parties agreed that the “shoulders” disclosed in the Application (See Fig. 3, reference no. 11) are not present in the Schneider reference and that this is a significant difference between the Application and the Schneider reference. The Examiner indicated that he would be willing to enter an Amendment in Response to Final Office Action if

such Amendment amended the claims to sufficiently recite the shoulders. The undersigned would like to thank the Examiner for taking the time to discuss the pending Office Action.

II. Objection to Specification Under 35 USC 132(a)

The Examiner has objected to the specification under 32 USC 132(a) as containing new matter because the previously filed Substitute Specification (filed on April 11, 2007) substituted the term “may” for --must-- in paragraph 29a. Paragraph 29a has been amended to change --may-- to “must.”

Therefore, it is respectfully requested that the objection be withdrawn.

III. Rejection of Claims 16 and 34 Under 35 USC 112, First Paragraph

The Examiner has rejected claims 16 and 32 under 35 USC 112, first paragraph as failing to comply with the enablement requirement.

In order to expedite prosecution, Claim 16 has been cancelled and claim 34 has been amended to delete the language “or less.”

Therefore, it is respectfully requested that the objection be withdrawn.

IV. Rejection of Claims 18, 30 and 34 Under 35 USC 112, Second Paragraph

The Examiner has rejected claims 18, 30 and 34 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. More specifically, claim 18 has been rejected for failing to provide an antecedent basis for “the curved surface.” In addition, claims 30 and 34 have been rejected because the limitation “along a longitudinal axis” is ambiguous.

Claim 18 has been amended to replace --the curved surface-- with “the boss.” Further, claims 30 and 34 have been amended to replace the limitation of --along a longitudinal axis-- to “along a cross-sectional axis.”

Therefore, it is respectfully requested that the rejection be withdrawn.

V. Rejection of Claims 13, 16, 18, and 28-32 under 35 USC 102(b)

The Examiner has rejected claims 13, 16, 18 and 28-32 under 35 USC 102(b) as being anticipated by U.S. Pat. No. 5,204,147 (“Schneider”). Claim 16 has been cancelled and claims 13, 18, 28, 30 and 32 have been amended. It is respectfully submitted that Schneider does not anticipate claim 13 (and dependent claim 18), claim 28 (and dependent claims 29-31) and claim 32 (collectively the “rejected claims”) because Schneider fails to teach all the limitations of the rejected claims.

Schneider discloses a roller shutter rod with a double-wall design (*Schneider*, Figs. 1-4) . The roller shutter rod includes a hollow section 1, hook area 4 and lug area 5. (*Id.*)

The rejected claims recite “a slat for use in a rolling shutter” (claim 13) or “a slat for displaceable engagement with a shutter casing” (claims 28 and 32). In all the rejected claims, the slat includes a body, a receptacle track and an engagement track. The receptacle track includes a boss, aperture and “first and second shoulders that separate the boss from the aperture.”

The roller shutter rod of Schneider includes a lug area 5. However, the lug area 5 does not include two shoulders that separate a boss from an aperture.

Because Schneider fails to teach all the limitations of the rejected claims, it is respectfully requested that the rejection be withdrawn.

VI. Rejection of Claims 32 and 34 under 35 USC 102(b)

The Examiner has rejected claims 32 and 34 under 35 USC 102(b) as being anticipated by U.S. Pat. No. 2,545,400 (“White”). However, it appears that the Examiner intended to reject

claims 33 and 34. Therefore, the response that follows assumes that the rejection applies to claims 33 and 34. If this assumption is not correct, please contact the undersigned so that this assumption and this reply can be corrected.

White discloses a metal curtain 5 that includes “longitudinally extending like sheet metal elements 7 which are hingedly interconnected...to form the competed curtain.” (*White*, col. 1, lines 43-48; and Figs. 1, 2 and 3). Each element 7 includes a center portion 15, a female hinge portion 25 and a male hinge portion 31. (*White*, cols. 2-3, lines 34-55 and 1-2, respectively). The female hinge portion 25 and the male hinge portion 31 are each coiled into a partial cylinder so that the male hinge portion 31 can telescope into the female hinge portion 25. (*White*, cols. 2, lines 34-55 and col. 3, lines 31-38). In this manner, the elements 7 are interconnected with each other to form a metal curtain 5. (*White*, Figs. 2 and 3).

Claims 33 and 34 have been amended to indicate that the receptacle track of the first slat includes a boss, an aperture and first and second shoulders that separate the boss and the aperture. It is respectfully submitted that White does not anticipate claims 33 and 34 because White fails to teach all the limitations of claims 33 and 34.

Claims 33 and 34, as amended, recite a roller shutter that includes a first slat and a second slat. The first slat has a receptacle track, which includes a boss, aperture and “first and second shoulders that separate the boss from the aperture.”

As described above, the elements 7 of the metal sheet 5 of White, include male 31 and female 25 hinge portions that are interconnected by telescoping the male hinge portion 31 into the female hinge portion 25. However, neither the female hinge portion 25 nor the male hinge portion 31 include two shoulders that separate a boss from an aperture.

Because White fails to teach all the limitations of the rejected claims, it is respectfully requested that the rejection be withdrawn.

VII. Provisional Rejection of Claims 28 and 32 on the Grounds of Obviousness-Type Double Patenting

Application No. 10/802,385
Reply to Final Office Action Mailed July 13, 2007

The Examiner has provisionally rejected claims 28 and 32 on the ground of non-statutory double patenting as being unpatentable over claims 48 and 55 of co-pending application no. 11/058,879. Claims 28 and 32 have been amended. As amended, claims 28 and 32 are patentably distinct over claims 48 and 55 in the co-pending application. In the event that the claims of the current and co-pending applications would result in obviousness-type double patenting, an appropriate terminal disclaimer will be filed in the appropriate application.

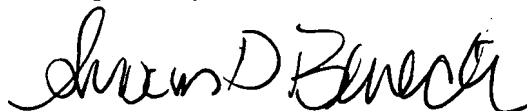
Application No. 10/802,385
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CONCLUSIONS

It is respectfully submitted that pending claims 13, 18 and 28-34 are in condition for allowance, and such allowance is hereby requested.

Additionally, please charge any additional fees that may be required to our Deposit Account No. 09-0007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan D. Reinecke", written in a cursive style.

Susan D. Reinecke
Attorney Reg. No. 40,198
Ice Miller LLP
200 West Madison, Suite 3500
Chicago, IL 60606
(312) 726-8107 Telephone
(317) 726-6273 Facsimile

Date: October 2, 2007

cc: James V. Miller
Anthony Nimmo